



CITY OF MORGAN HILL

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## PLANNING COMMISSION MEETING MINUTES

**REGULAR MEETING**

**SEPTEMBER 25, 2001**

**PRESENT:** Benich, Lyle, McMahon, Mueller, Sullivan, Weston

**ABSENT:** None

**LATE:** Acevedo, arriving at 7:02 p.m. when he was seated on the dais

**STAFF:** Planning Manager (PM) Rowe, Senior Engineer (SE) Creer, and Minutes Clerk Johnson

Chair Sullivan called the meeting to order at 7:00 p.m.

### DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

### OPPORTUNITY FOR PUBLIC COMMENT

Chair Sullivan opened the public hearing.

There being no persons present to address the Commissioners, the public hearing was closed.

### MINUTES:

**SEPTEMBER 11, 2001**      **COMMISSIONERS LYLE/MUELLER MOTIONED TO APPROVE THE SEPTEMBER 11, 2001 MINUTES WITH THE FOLLOWING AMENDMENTS:**

Page 3, Add Paragraph 7: Commissioner Weston noted that some conditions in the Use Permit appear not to be enforceable, e.g., the basketball hoops being removed nightly. He questioned whether these items should be noted in the letters (to be sent) which are under consideration.

Page 5, Add paragraph 7: Commissioner Acevedo commented that he felt the applicant had presented a good argument, and there was a show of support for the variance request

exhibited by the letters from the Historical Society and other adjacent neighbors. His opinion was that the variance should be granted.

Page 5, paragraph 6: Inclusive in the directive to staff was the granting of an administrative variance following delineation of building and landscape placement adjustments.

Page 6: The application will be revised according to the recommendation by City staff with notification to the proper persons.

Page 9: Information will be provided, in writing, on an as-needed-basis

Page 9: The Commissioners agreed by consensus to have returned and agendaizing for consideration, the following:

- street standards in terms of detached sidewalks
- backyard sheds/storage units

Page 10: The Charter School occupation should be limited to a maximum of three years

**THE MOTION PASSED BY THE FOLLOWING 6-0-1-0 VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: MCMAHON; ABSENT: NONE.**

#### **OTHER BUSINESS:**

##### **1. STATUS REPORT ON HALE-CATHOLIC HIGH SCHOOL**

PM Rowe gave the staff report. He noted that this matter had been scheduled for the Commission meeting September 11, 2001 when it had been continued to October 9. It had been anticipated that a the draft EIR would be available by mid-September with a workshop held for explanation and discussion of that document and the project proposal. Because of the delay, PM Rowe stated, and the anticipation of delivery of the EIR by September 27, it will be necessary to reschedule the workshop; City Council members have agreed to postpone the hearings for the Urban Service Area and the general Plan amendments to December to allow these applications more time. Unless the Council takes action on the Urban Service Area and the general Plan amendments by December 5, the applications will not be applicable for inclusion within the City's 2001 application to LAFCO. PM Rowe advised that because of the delays, the Commissioners should decide when the matter is to be discussed in order to achieve the time line necessary.

PM Rowe reiterated that it essential that the Administrative review be completed; however, the EIR may not be delivered before the end of the week (September 27), with said review to begin about October 3. The Administrative review will take at least two weeks. Because the City Council must hold hearings following the public comment period (anticipated to be on the December 5 agenda), PM Rowe said, it is essential that the Planning Commission have information and comment on the EIR as part of the entire proposal, as well. Recalling that the workshop dealing with this matter had originally been scheduled for this date, PM Rowe explained the projected time line in detail.

Commissioners discussed the time frames necessary for the matter to be included in the City's 2001 LAFCO application. A suggestion was made that a City Council - Planning

Commission joint workshop might be in order. Noting that it was highly unlikely that the workshop could be accomplished before October 9, Commissioners displayed unanimity of agreement that the matter could not be on the Planning Commission action agenda before October 23. All Commissioners agreed that it would require a minimum of one week for review and study following receipt of the information if true effectiveness were to be given to the data dissemination. PM Rowe reiterated the requirement of the time frames, including the public comment period which is 45-days.

Commissioners agreed that the matter was particularly bothersome in that they would be asked to vote on the matter without seeing/hearing all the public comments which might be received. "Responses by the public are important in the Commission's voting process," Commissioner Mueller noted, "as they can bring focus to the whole issue, not just the EIR." The theory, he continued, is to see what the public comments are and be able to study the responses to those comments. Even though the time crunch will be great, Commissioners agreed that if the documents were delivered to them the end of the first week of October, they would like to have a workshop scheduled the 9<sup>th</sup>. PM Rowe agreed to undertake the effort to have the report to the Commissioners timely to have the workshop preceding the October 9 regular meeting in order to meet the application "window" for inclusion of the project into the LAFCO application as warranted. **BY CONSENSUS, THE COMMISSIONERS AGREED TO HAVE THE WORKSHOP SCHEDULED FOR OCTOBER 9, 2001 WITH THE EXPECTATION OF THE MATTER BEING AGENDIZED OCTOBER 23, 2001 OR LATER IF POSSIBLE.**

## NEW BUSINESS

**2. ZA-01-18/  
SD-01-04/DA-01-02:  
MCLAUGHLIN-  
JONES** A request for approval of a 9 lot subdivision of a 2.15 acre parcel located on the east side of McLaughlin Ave., north of Central Ave. in the R-2 3,500 zoning district. Also requested is the approval of a precise development plan (RPD zoning designation) and the approval of a project development agreement. A mitigated negative declaration is proposed.

PM Rowe presented the staff report. This was a micro-project which received 5 building allotments in the 2000 Measure P competition. The project received 1 building allotment for FY 2000-01 and 4 building allotments for FY 2001-02. In June, the project received a one-year extension of the 2000-01 allocation. The project now has until June 2002 to commence construction on the 5 units. The overall project, PM Rowe asserted, includes 9 single family attached homes, consisting of 3 duet units and a triplex. The project area consists of 4 existing lots of record. The micro application, as submitted, included 5 attached units on two parcels totaling .71 acres. The 1.21 acre parcel, (two separate lots of record) adjacent to the railroad tracts were not included in the application. PM Rowe explained the Measure P exemption policy and the subdivision/zoning amendment application. Further, he noted that the project site had two areas of environmental concern: Noise and biological. A noise study and a burrowing owl study have been completed, as well. Remaining issues to be resolved are the whether the four lots contain an existing dwelling, which may affect the numbers of allocations given and how the revised plan as presented fits on the four lots, the lots having undergone a Lot Line Adjustment. There is sufficient concern, he said, as to whether the letter and spirit of Measure P are being followed; consequently, staff will meet with the City Attorney to clarify these matters. PM Rowe also responded to a question by Commissioner Lyle

regarding a zoning code issue in this area.

PM Rowe explained that part of the issue which needs to be resolved: the existing housing unit and the Lot Line Adjustment. Inclusive in the issues are: if the allotments were given on the original plan? Whether the application needs to go through the Measure P process again? The appearance of significant evolution on the occasion of the revisions of the plan causes further concern. Responding to Commissioner's comments and questions, PM Rowe noted that in the past, changes to project plan have been granted, but generally the changes have not been to this magnitude.

Chair Sullivan gave a brief overview of the Measure P process for the benefit of students in the audience.

Chair Sullivan opened the public hearing.

Students present expressed thanks to Chair Sullivan for the overview provided.

There being no other persons present to offer comment, the public hearing was closed.

**COMMISSIONERS LYLE/McMAHON MOTIONED TO CONTINUE THE MATTER OF ZA-01-18/ SD-01-04/DA-01-02: MCLAUGHLIN-JONES TO OCTOBER 23. THE MOTION CARRIED BY UNANIMOUS VOTE.**

**ANNOUNCEMENTS:**

Commissioner Weston indicated he would step down for the next item on the agenda. Therefore, Chair Sullivan requested PM Rowe to present announcements at this time, to which he responded as follows:

The City Council accepted the recommendation for members of the Planning Commission to appointment to the Housing Element Task Force. There will be two workshops of the Housing Element Task Force - October 29 at 7 p.m. in the Council Chambers and the December 12. All members of that Task Force have been appointed.

The 2001 General Plan/Urban Service Area proposals will be considered at the Council's December 5 meeting in order to ensure meeting the window for LAFCO submittal.

The Council also approved the pre-zoning requests for the Campoli Drive-Cox property and the Monterey-Christiansen property.

Council Member Sellers will chair the Downtown Task Force with the members of the Commission, as recommended, being appointed.

Commissioner Mueller announced that the Burrowing Owl Committee will have their second meeting this Thursday (September 26).

At this time, Commissioner Weston stepped down from the dias.

**3. MP-00-31:** A request for Measure P allocations for Fiscal Year 2002-03. The project is a mixed use development with 72 apartment units located on the east side of Monterey Rd. and west side of Church St. south of San Pedro Ave. The application is for Phase I of the development consisting of 38 dwelling units.

**CHURCH-SOUTH HOUSING**

PM Rowe delivered the staff report. The City Council has authorized a Residential Development control System (Measure P) competition to be held for FY 2002-03. Separate competitions were authorized for open/market rate projects and below market/affordable projects. The building allotments for the market rate competition were awarded on February 27, 2001. Initially two applications for the affordable competition; one application was withdrawn prior to the completion of the evaluation process. The second, and only application now under consideration, PM Rowe reported, is from South County Housing: a project proposal which is a mixed use commercial and R-3 multi-family development located between Monterey Road and Church Street, south of the US Post Office. At the direction of the Commissioners, staff scheduled a new affordable competition, advertising the availability of the allotment set-asides to prospective applicants. Only South County Housing responded with an application. The request now under consideration, he continued, is a total of 49 allotments: 36 for Phase 1 of the Church Street development and 13 allotments for Phase 2. PM Rowe recalled for the Commissioners that the General Plan Task Force had recommended the City make efforts to vary from the strictly commercial look of development along Monterey Street and this project with the mixed use along the Monterey Road frontage is consistent with the General Plan. The building, landscaping and driveway placements have been changed and better reflect an effort to incorporate true multi-use into the project. PM Rowe reminded this is not a land use decision but only under consideration at present is whether South County Housing will get the building allocations. There is some conflict as to the award of points, with South County Housing requesting more in specified categories; the Commissioners can determine eligibility in the matter if they so choose.

PM Rowe responded to questions from the Commissioners regarding the zoning (commercial along the first 150-foot frontage; then R-3); other 3-story buildings in the City (motels); the time frame of progression of the application to the Council; when the General Plan paved the way for projects of this type. He further commented on the RPD overlay which might be considered in the future.

Commissioner Acevedo commented that even though he had served on the General Plan Task Force, he has concerns about having anything other than commercial use on Monterey Road.

Chair Sullivan opened the public hearing.

Karen Saunders, 7455 Carmel St., Gilroy, representing South County Housing, addressed the Commissioners, noting that in March at the reviews of the project, South County Housing personnel and consultants had truly listened to the concerns voiced and made substantial changes to the design in two extensive design critiques. She called attention to:

- Circulation, noting the South County Housing group had tried to mitigate the concerns, explaining the redesign

- Retention of open space while ensuring safety and security
- Parking viewed from Monterey Road, noting it is designed to be well screened.
- Having the commercial aspect of the project streamlined to reduce the “massiveness”
- Grouping of the residential buildings so that the 3-story buildings are now grouped and face the green areas/commons
- Movement of some plans

Ms. Saunders noted there was some concern in specific categories in the awarding of points which South County housing requested adjustment:

- Layout
- Driveways
- and various others

Responding to questions from the Commissioners, Ms. Saunders indicated that the parking is designed to reflect the number of adults permitted in each of the dwelling units. She also addressed the rigorous rules under which the agency operates to obtain funding, noting that the building phases are dependent on the funding availability.

David Chapman, 3425 Lava Rock Ct., said he agreed with the views expressed by Commissioner Acevedo, in that any establishments except commercial should be very limited on Monterey Road. He continued that he was not up on the technical issues, nor was he aware of the Council actions. However, he maintained, this project seems to be inconsistent with other uses on Monterey Road, and not in keeping with the flavor of the Town. He wanted, he said, to make sure the issues were raised so others could be aware.

With no others present to speak to the matter, the public hearing was closed.

PM Rowe and SE Creer indicated that there should be an adjustment of points for the driveway.

Commissioner Lyle commented that he has studied the issues of points for projects such as this and identified 14 areas where points could be questioned but that the project would still qualify for an award. He stated that the latest criteria clears up some of the 14 problem areas, and that this project should not be used as a precedent for future point awards. Commissioner Lyle also indicated he found the revised plan far superior to that originally submitted.

Commissioner Benich said he had concern that the Housing Element Task Force has just been appointed and is uncomfortable in dealing with this issue without the Housing Element revision information being available.

Commissioner Lyle explained that affordable housing in relation to the Housing Element is not a severe issue - that there must be set-aside for affordable housing. Measure P, he continued, requires competition with 20% off the top annually of all dwelling unit allocations for affordable housing.

Chair Sullivan said this project as presented tonight is much improved. Responding to Commissioner Acevedo's comments, she said, “With a small cluster such as this, we can

afford to spread them around the City, as we are not talking about hundreds of developments on this street.” Chair Sullivan further indicated pleasure with the way the Commissioner’s comments had been heard and said this design, as presented, was a good one.

PM Rowe responded to questions regarding the exempt and total units, explaining in conjunction with Ms. Saunders, the Redevelopment Agency removal of the trailer park on the site and how units were “counted” for those eligible persons/potential residents.

Commissioner Acevedo said it appears that the decision before the Commission had been pre-made for the use, but he did not like the mixed use as presented. He further said that he believes it is clustering low-income persons in this area of town.

**COMMISSIONERS MUELLER/McMAHON MOTIONED TO APPROVE RESOLUTION NO. 01-72, RECOMMENDING THE ~~ESTABLISHING OF~~ RESIDENTIAL DEVELOPMENT CONTROL SYSTEM ALLOTMENTS FOR AFFORDABLE RESIDENTIAL PROJECTS IN FY 2002-03; PROJECT MP-00-31 (CHURCH STREET APARTMENTS) 36 ALLOTMENTS; AND FY 2003-04 MP-00-31 (CHURCH STREET APARTMENTS) 13 ALLOTMENTS. SECTION THREE BEING ADDED TO INDICATE THAT THE ALLOCATION(S) ARE CONTINGENT ON AN RPD/PUD ZONING APPROVAL FOR THE SITE. THE MOTION CARRIED BY THE FOLLOWING 6-0-0-1 VOTE: AYES: ACEVEDO, BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN; NOES: NONE; ABTAIN: NONE; ABSENT: WESTON.**

Commissioner Weston returned to his seat at the dias.

**ADJOURNMENT:** There being no further business, Chair Sullivan adjourned the meeting at 8:42 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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JUDI H. JOHNSON  
Minutes Clerk

